

**ORDINANCE NO. 11-08**

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA ACCEPTING THE RIGHT-OF-WAY DEED FROM JULIA HERNANDEZ CONSISTING OF A 25-FOOT WIDE STRIP OF LAND FOR A DISTANCE OF 240 FEET AND THE PORTION CONTAINED BY A 25 FOOT ARC RADIUS RETURN COMPRISING 5,388 SQUARE FEET, LOCATED AT 3550 WEST 10 AVENUE, HIALEAH, FLORIDA, A COPY OF WHICH IS ATTACHED HERETO AND MADE A PART HEREOF AS EXHIBIT "1"; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Planning and Zoning Board at its meeting of January 26, 2011, recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida hereby accepts a right-of-way deed from Julia Hernandez, consisting of a 25-wide strip of land for a distance of 240 feet and the portion contained by a 25 foot arc radius return comprising of 5,388 square feet, located at 3550 West 10 Avenue, Hialeah, Florida, legally described as follows:

THE NORTH 25 FEET OF THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST, SITUATE, LYING AND BEING IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST ¼ OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST, THENCE SOUTH 250 FEET TO THE POINT OF BEGINNING, THENCE, WEST 240 FEET, THENCE SOUTH 150 FEET, THENCE, EAST 240 FEET, THENCE, NORTH

150 FEET TO THE POINT OF BEGINNING, LESS THE EAST 30 FEET THEREOF FOR RIGHT-OF-WAY PURPOSES.

AND

THE PORTION CONTAINED BY A 25 FOOT ARC RADIUS RETURN CONCAVE TO THE SOUTHWEST, BOUNDED TO THE NORTH BY A LINE 275 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF THE SAID NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST (ALSO THE SOUTH RIGHT-OF-WAY LINE OF WEST 36 PLACE) AND BOUNDED TO THE EAST BY A LINE 30 FEET WEST OF THE EAST LINE OF THE NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST (ALSO THE WEST RIGHT-OF-WAY LINE OF WEST 10 AVENUE), IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.

Also known as a portion of 3550 West 10 Avenue, Hialeah, Florida as depicted in the sketch, a copy of which is attached to the right-of-way deed as Exhibit A.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

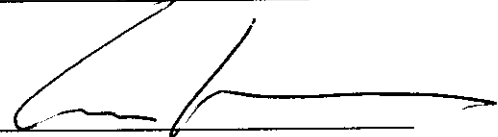
jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

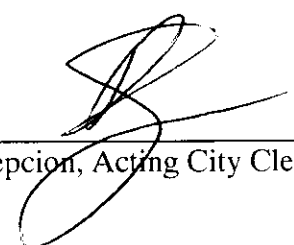
PASSED and ADOPTED this 22nd day of February, 2011.

THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Carlos Hernandez  
Council President


Attest:

Approved on this 25 day of February, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Julio Robaina

Approved as to form and legal sufficiency:

  
William M. Grednick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez, and Yedra voting "Yes."



CFN 2011R0170350  
DR Bk 27619 Pgs 2329 - 2330; (2pgs)  
RECORDED 03/16/2011 14:06:24  
HARVEY RUVIN, CLERK OF COURT  
MIAMI-DADE COUNTY, FLORIDA

Name: Julia Hernandez  
Address: 3550 West 10<sup>th</sup> Avenue  
Hialeah, Florida

This instrument prepared by: City of Hialeah  
and return recorded instrument to the following:

Address: 501 Palm Avenue, 4<sup>th</sup> Floor  
Hialeah, Florida 33010  
Property Appraisers Parcel Identification (Folio)  
Number(s): 04-3012-000-0080

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**RIGHT-OF-WAY DEED TO CITY OF HIALEAH, FLORIDA  
FOR PUBLIC RIGHT-OF-WAY**

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**THIS INDENTURE**, made this 3<sup>rd</sup> day of March, 2011, by and between Julia Hernandez, a single woman, of the County of Miami-Dade, State of Florida, party of the first part, and the City of Hialeah, Florida, a municipal corporation organized and existing by virtue of and under the laws of the State of Florida, its successors in interest, party of the second part.

**WITNESSETH**, that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) Dollars, to it in hand paid by the party of the second part, receipt whereof is hereby acknowledged, and for other good and valuable consideration, have granted, bargained, and sold to the party of the second part, their successors in interest, for the purpose of a public right-of-way and purposes incidental thereto, the following described land, situate, lying and being in the County of Miami-Dade, State of Florida, to wit:

THE NORTH 25 FEET OF THAT CERTAIN PARCEL OF LAND IN SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST, SITUATE, LYING AND BEING IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST, THENCE SOUTH 250 FEET TO THE POINT OF BEGINNING, THENCE, WEST 240 FEET, THENCE SOUTH 150 FEET, THENCE, EAST 240 FEET, THENCE, NORTH 150 FEET TO THE POINT OF BEGINNING, LESS THE EAST 30 FEET THEREOF FOR RIGHT-OF-WAY PURPOSES.

AND

THE PORTION CONTAINED BY A 25 FOOT ARC RADIUS RETURN CONCAVE TO THE SOUTHWEST, BOUNDED TO THE NORTH BY A LINE 275 FEET SOUTH AND PARALLEL TO THE NORTH LINE OF THE SAID NORTHWEST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40 EAST (ALSO THE SOUTH RIGHT-OF-WAY LINE OF WEST 36 PLACE) AND BOUNDED TO THE EAST BY A

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Hernandez-Julia right-of-way deed  
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LINE 30 FEET WEST OF THE EAST LINE OF THE NORTHWEST  $\frac{1}{4}$  OF  
THE NORTHWEST  $\frac{1}{4}$  OF SECTION 12, TOWNSHIP 53 SOUTH, RANGE 40  
EAST (ALSO THE WEST RIGHT-OF-WAY LINE OF WEST 10 AVENUE),  
IN THE CITY OF HIALEAH, MIAMI-DADE COUNTY, FLORIDA.

ALL TOGETHER CONTAINING 5,388 SQUARE FEET (.12 ACRES) MORE  
OR LESS.

Also known as a portion of 3550 West 10 Avenue, Hialeah, Florida as  
depicted in the sketch, a copy of which is attached as Exhibit "A".

And the party of the first part does hereby fully warrant the title to said land, and  
will defend the same against the lawful claims of all persons whomsoever.

**IN WITNESS WHEREOF**, the said party of the first part has hereunto set her  
hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of:

Witness: [Signature]

Witness: [Signature]

Julia Hernandez  
Julia Hernandez  
3550 West 10<sup>th</sup> Avenue  
Hialeah, Florida 33012

**STATE OF FLORIDA  
COUNTY OF MIAMI-DADE**

I hereby certify that on this day, before me, an officer duly authorized to administer oaths and take  
acknowledgments, personally appeared Julia Hernandez, and she is known to me to be the person described  
in and who executed the foregoing instrument, who acknowledged before me that she executed the same,  
and I relied upon the following form of identification of the above-named  
person: FDL H655-432-45-716-0

\_\_\_\_\_ or is personally known to me and that an oath was  
taken.

NOTARY SEAL

Witness my hand and official seal in the County and  
State last aforesaid this 3 day of MARCH,  
2011.

Notary Signature  
Typed/Printed Name

My Commission No.:

